

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION No. 1:15-CV-559**

THE CITY OF GREENSBORO, LEWIS A.  
BRANDON III, JOYCE JOHNSON,  
NELSON JOHNSON, RICHARD ALAN  
KORITZ, SANDRA SELF KORITZ, AND  
CHARLI MAE SYKES,

Plaintiffs,

v.

THE GUILFORD COUNTY BOARD OF  
ELECTIONS,

Defendant.

**MOTION FOR TEMPORARY  
RESTRAINING ORDER  
[ORAL ARGUMENT REQUESTED]**

---

NOW COME Plaintiffs the City of Greensboro (“City of Greensboro” or “City”) and Lewis A. Brandon III, Joyce Johnson, Nelson Johnson, Richard Alan Koritz, Sandra Self Koritz, and Charli Mae Sykes (collectively “Citizen Plaintiffs”), by and through counsel, and respectfully move this Court, pursuant to Rule 7(b) and Rule 65 of the Federal Rules of Civil Procedure and Local Rule 65.1, for entry of a Temporary Restraining Order. Plaintiffs show the Court as follows:

1. Plaintiffs seek to enjoin Defendant from relying on, enforcing, or conducting elections in the districts embodied in North Carolina Session Law 2015-138 (“the Greensboro Act”) and instead restore, for purposes of the 2015 municipal election in the City of Greensboro, the districts and at-large seats previously in place along with

the format and timetable of October primary elections and November elections and direct that candidate filing and election shall take place pursuant to that system.

2. To prevent the irreparable harm caused by the Greensboro Act, any such Temporary Restraining Order must be in place before the filing period for Greensboro elections opens on **Monday, July 27, 2015**.

3. In support of this Motion, Plaintiffs are filing herewith a Brief in Support of Motion for Temporary Restraining Order; Brief in Support of Motion for Preliminary Injunction; the Declarations of Lewis Brandon III, Nancy Hoffman, Joyce Johnson, Yvonne Johnson, Richard Alan Koritz, Frederick G. McBride, and Charli Mae Sykes.

4. Plaintiffs request oral argument on this Motion for Temporary Restraining Order, or, in the alternative, on their Motion for Preliminary Injunction, so long as any such oral argument may be scheduled prior to the Greensboro Act taking effect on Monday, July 27, 2015.

5. Plaintiffs seek issuance of a Temporary Restraining Order only after Defendant has been given an opportunity to be heard. Counsel for Defendant (County Attorney Mark Payne) was notified last week that this filing would be forthcoming and was served by email and hand delivery with copies of all of today's filings. Similarly, the State of North Carolina, pursuant to North Carolina General Statutes Section 1-260, was provided a copy of all filings the day of filing.

6. As fully explained in the Brief in Support of Temporary Restraining Order and Brief in Support of Preliminary Injunction, Plaintiffs will show (1) that they are

likely to succeed on the merits of their claims, (2) that they are likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in their favor, and (4) that injunctive relief is in the public interest.

WHEREFORE Plaintiffs respectfully request that this Court grant their Motion for Temporary Restraining Order enjoining Defendants from relying on, enforcing, or conducting elections in the districts embodied in Session Law 2015-138 and, instead, restore, for purposes of the 2015 municipal election in the City of Greensboro, the districts and at-large seats previously in place along with the format and timetable of October primary elections and November elections and direct that candidate filing and election shall take place pursuant to the system as it existed prior to Session Law 2015-138.

Respectfully submitted this 13th day of July, 2015.

/s/ Jim W. Phillips, Jr.  
Jim W. Phillips, Jr.  
N.C. State Bar No. 12516  
jphillips@brookspierce.com  
Julia C. Ambrose  
N.C. State Bar No. 37534  
jambrose@brookspierce.com  
Daniel F. E. Smith  
N.C. State Bar No.: 41601  
dsmith@brookspierce.com  
BROOKS, PIERCE, MCLENDON,  
HUMPHREY & LEONARD, L.L.P.  
Post Office Box 26000  
Greensboro, NC 27420-6000  
Telephone: 336/373-8850  
Facsimile: 336/378-1001  
*Attorneys for the City of Greensboro*

/s/ Anita S. Earls

Anita S. Earls

N.C. State Bar No. 15597

anita@southerncoalition.org

Allison J. Riggs

N.C. State Bar No. 40028

allison@southerncoalition.org

Southern Coalition for Social Justice

1415 West Highway 54, Suite 101

Durham, NC 27707

Telephone: 919-323-3380, ext. 115

Facsimile: 919-323-3942

*Attorneys for Plaintiffs Lewis A. Brandon  
III, Joyce Johnson, Nelson Johnson,  
Richard Alan Koritz, Sandra Self Koritz,  
and Charli Mae Sykes*

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this day electronically filed the foregoing Motion for Temporary Restraining Order in the above-titled action with the Clerk of the Court using the CM/ECF system, and served the document by mail and electronic mail to the following counsel who has accepted service on behalf of Defendants:

Mark Payne, County Attorney  
Guilford County Attorney's Office  
PO Box 3427  
Greensboro, NC 27402  
mpayne@co.guilford.nc.us

Respectfully submitted this 13th day of July, 2015.

/s/ Jim W. Phillips, Jr.  
Jim W. Phillips, Jr.